

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 36-7-4-610 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 610. (a) After
- 5 adoption of a zoning ordinance under section 606 of this chapter, the
- 6 plan commission shall publish a notice of adoption in accordance with
- 7 IC 5-3-1. The notice of adoption (which the plan commission shall have
- 8 prepared) must:
- 9 (1) summarize the subject matter of the ordinance;
- 10 (2) give the date of adoption;
- 11 (3) specify the places or areas that would be directly affected by
- 12 the ordinance (this subdivision does not require the identification
- 13 of any real property by metes and bounds);
- 14 (4) specify the penalty or forfeiture prescribed for a violation of
- 15 the ordinance; and
- 16 (5) give two (2) locations open to the public where the entire text
- 17 of the ordinance is available for inspection.
- 18 (b) After adoption of a zoning ordinance under section 606 or 607
- 19 of this chapter, the plan commission shall print the text of the ordinance
- 20 in book or pamphlet form (or arrange for the inclusion of the zoning
- 21 ordinance in the code of ordinances printed by the unit under IC 36-1-
- 22 5), and no other printing or publication of any zoning ordinance is
- 23 required. Printing of the text of a zoning ordinance in compliance with
- 24 this subsection constitutes presumptive evidence:
- 25 (1) of the text of the ordinance that is contained in the code of
- 26 ordinances, book, or pamphlet (and supplement, if any);
- 27 (2) of the date of adoption of the ordinance, and of any

1 amendment to the ordinance that is contained in the code of
 2 ordinances, book, or pamphlet (and supplement, if any); and
 3 (3) that the ordinance, along with any amendment to the
 4 ordinance that is contained in the code of ordinances, book, or
 5 pamphlet (and supplement, if any), has been properly signed,
 6 attested, and recorded.

7 (c) Zone maps incorporated by reference into the zoning ordinance
 8 are not required to be printed in the code of ordinances, book, or
 9 pamphlet printed under this section, but the plan commission shall keep
 10 them available at its office for public inspection.

11 (d) Unless a zoning ordinance provides for a later effective date,
 12 the ordinance takes effect when it is adopted under section 606, 607, or
 13 608 of this chapter, subject to ~~subsection (e)~~: **subsections (e) and (h).**

14 (e) When a provision prescribing a penalty or forfeiture for a
 15 violation is printed under this section, it may not take effect until
 16 fourteen (14) days after the later of the following:

17 (1) The final day on which notice of its adoption is published
 18 under subsection (a).

19 (2) The day on which it is filed in the clerk's office under
 20 subsection (f).

21 (f) A zoning ordinance is not required to be included in the code
 22 of ordinances printed by a unit under IC 36-1-5. However, if the zoning
 23 ordinance is not included in that code, then two (2) copies of the book
 24 or pamphlet (and supplement, if any) printed under this section shall be
 25 filed in the office of the clerk of each participating legislative body, and
 26 these copies shall be kept on file in that office for public inspection.

27 (g) If the zoning ordinance is not included in the code of
 28 ordinances, the clerk shall keep additional copies of the book or
 29 pamphlet (and supplement, if any) in the office for the purpose of sale
 30 or distribution. However, if the zoning ordinance is included in the code
 31 of ordinances, copies of the zoning ordinance shall also be made
 32 available to the public in accordance with IC 5-14-3.

33 **(h) A zoning ordinance that is adopted under section 606, 607,**
 34 **or 608 of this chapter without the written consent of an affected**
 35 **property owner that has the effect of materially altering the**
 36 **development standards applicable to the affected property owner's**
 37 **property or prohibiting a use previously permitted on the affected**
 38 **property owner's property is not effective or binding on the**
 39 **affected property owner or the affected property owner's property**
 40 **until the earlier of:**

41 **(1) three (3) years after the date of adoption of such zoning**

- 1 **ordinance; or**
- 2 **(2) the date fee simple title to the affected property is conveyed**
- 3 **to a subsequent owner.**
- 4 **SECTION 2. An emergency is declared for this act.**
 (Reference is to SB 35 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON, Chairperson